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**To: EXAMINER D. H. KRUSE
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From: Michael R. Ward (Reg. No. 38,651)

Date: January 23, 2004

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OUR DOCKET NO: 499962000700

APPLICANT: Nathan K. OLIVAS et al.

ART UNIT: 1638

SERIAL NO: 10/052,061

EXAMINER: D. H. Kruse

FILED: January 16, 2002

TITLE: PACER LETTUCE VARIETY

Comments:

Pursuant to our conversation of today, please find the attached.

PAPERS ATTACHED FOR THIS FACSIMILE:

1. Copy of Response to Office Action of June 17, 2003 as filed July 18, 2003 - 12 pgs

>>CONFIRMATION OF RECEIPT REQUESTED<<

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ATTORNEY DOCKET: 499962000700
USSN: 10/052,061

MRW1/LX03

FILED: January 16, 2002

INVENTOR(S): Nathan K. OLIVAS and Nathan J. OLIVAS

TITLE: PACER LETTUCE VARIETY

Papers enclosed: Response to Office Action M 6/17/03

DATE MAILED: July 18, 2003

 TRANSMITTAL - 1 pg RESPONSE TO OFFICE ACTION
MAILED JUNE 17, 2003, PAPER 3 - 9
pgs COURTESY COPIES OF: Deposit
information letter from the ATCC
indicating deposit number for Pacer - 1 pg \$ -0- AUTHORIZED TO BE CHARGED TO
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Total Number Of Pages In This Submission	11	Attorney Docket No.	499962000700
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<input checked="" type="checkbox"/> RESPONSE TO OA M 6/17/03, PAPER 3 - 9 pgs	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP 425 Market Street, San Francisco, CA 94105-2842 Michael R. Ward (Reg. No. 38,691)
Signature	
Date	July 18, 2003

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Morrison & Foerster LLP
 Attn: Michael R. Ward
 425 Market Street
 San Francisco, CA 94105

Deposited on Behalf of: Progeny Advanced Genetics

Identification Reference by Depositor:	Patent Deposit Designation
Lactuca sativa: Sun Devil (Ref: Docket or Case No.: 49996-20002.00)	PTA-4008
Lactuca sativa: Legend(Ref: Docket or Case No.: 49996-20011.00)	PTA-4009
Lactuca sativa: Pacer (Ref: Docket or Case No.: 49996-20007.00)	PTA-4010
Lactuca sativa: Icon (Ref: Docket or Case No.: 49996-20010.00)	PTA-4011

The seeds were accompanied by: a scientific description a proposed taxonomic description indicated above. The seeds were received January 24, 2002 by this International Depository Authority and have been accepted.

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Signature of person having authority to represent ATCC:

Marie Harris
 Marie Harris, Patent Specialist, Patent Depository

Date: February 7, 2002

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